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10 Attorneys for Plaintiff
11 FACEBOOK, INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 FACEBOOK, INC., a Delaware
18 corporation,

19 Plaintiff,

20 v.

21 JEREMI FISHER; PHILIP POREMBSKI;
22 RYAN SHIMEALL; and JOHN DOES 1-
25, individuals; and CHOKO SYSTEMS
23 LLC; HARM, INC.; PP WEB SERVICES
24 LLC, iMEDIA ONLINE SERVICES LLC,
and JOHN DOES 26-50, corporations,

25 Defendants.

Case No. C 09-05842 JF

**STIPULATED ORDER AND
PRELIMINARY INJUNCTION**

26
27 **WHEREAS** Facebook commenced this action alleging that Defendants Jeremi Fisher,
28 Philip Porembski, Ryan Shimeall, Choko Systems LLC, Harm, Inc., PP Web Services LLC, and

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STIPULATED ORDER AND PRELIMINARY
INJUNCTION
Case No. C 09-05842 JF

iMedia Online Services LLC engaged in an unlawful spam campaign against Facebook users and unauthorized access to Facebook's network and Facebook user profiles;

WHEREAS Philip Porembski and PP Web Services LLC do not admit any liability and expressly deny any and all liability as to the claims raised by Facebook; and nothing in this stipulation is or shall be construed as an admission of any liability or any wrongdoing on the part of the defendants; and

WHEREAS Defendants Philip Porembski, PP Web Services LLC and Facebook consent to the entry of a preliminary injunction for the pendency of this matter.

Now it is hereby **ORDERED** as follows:

1. Defendants Philip Porembski and PP Web Services LLC, and all of their officers, agents, servants, and employees, and persons in active concert or participation with them who receive actual notice of this order are hereby enjoined from:

- a. Initiating or procuring transmission of unsolicited commercial electronic messages ("spam") on or through Facebook's computers, Facebook's website, Facebook's networks, or to Facebook users;
- b. Accessing or attempting to access Facebook's website, networks, data, information, user information, profiles, computers, or computer systems;
- c. Soliciting, requesting, or taking any action to induce Facebook users to provide identifying information or representing that such solicitation, request, or action is being done with Facebook's authorization or approval;
- d. Purchasing, using, distributing, trafficking in, or selling compromised Facebook user account information;
- e. Accessing or procuring the access of the accounts of other Facebook users;
- f. Engaging in any activity that alters, damages, deletes, destroys, disrupts, diminishes the quality of, interferes with the performance of, or impairs the functionality of Facebook's computers, computer system computer network, data, website, or services;
- g. Engaging in any unlawful activities alleged in this action;

- 1 h. Entering or accessing the physical premises or facilities of Facebook or its
2 counsel; or
- 3 i. Engaging in any activity that violates, or encourages, induces or facilitates
4 violations of the Statement of Rights and Responsibilities, attached as
5 Exhibit A to the Complaint in this action.

6 2. Notwithstanding the foregoing prohibitions, nothing in this Preliminary Injunction
7 shall restrict Defendants Philip Porembski and PP Web Services LLC from engaging in lawful
8 activities that are reasonably necessary for the lawful defense of this action, including activities
9 reasonably necessary to conduct discovery relating to this action.

10 3. This Preliminary Injunction shall take effect immediately and shall remain in
11 effect during the pendency of this matter.

12 DATED this 7th day of January, 2010.

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21 * * * This Space Left Intentionally Blank * * *

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2 **PERKINS COIE LLP**


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4
5 By: /s/
6 Brian Hennessey

7 Attorneys for Plaintiff
8 FACEBOOK, INC

PHILIP POREMBSKI

By: 
Philip Porembski

PHILIP POREMBSKI

10
11 By: 
12 Philip Porembski

13 For: PP Web Services LLC

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STIPULATED ORDER AND PRELIMINARY
INJUNCTION
Case No. C-09-00798-JF

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter Judgment pursuant to this
3 Order.
4

5 Dated: _____, 2010

6 The Honorable Jeremy Fogel
7 United States District Judge
8
9

10 Approved as to form by:

11 **PERKINS COIE LLP**
12

13 By:/s/ Brian Hennessey
14 Brian Hennessey

15 Attorneys for Plaintiff
16 FACEBOOK, INC

17 **DOWNEY BRAND**
18

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26 POREMBSKI, PP WEB SERVICES LLC,
27 AND HARM, INC.
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